# OYSTER FISHERIES (IRELAND).

RETURN to an Order of the Honourable The House of Commons, dated 25 February 1867;—*for*,

COPIES "of APPLICATION to the BOARD of WORKS in *Ireland*, of the late Right Honourable *John Wynne* to plant OYSTER BEDS in *Sligo Bay*:"

"Of the PROCEEDINGS taken thereon by the Board, and any REPORT made to them relative to the same:"

"Of the LICENSE granted:"

"Of any CORRESPONDENCE with the Harbour Authorities or any other Persons, complaining of the License granted:"

"Of any REPORT made to the Board theron:"

"And, of the PROCEEDINGS taken before the Privy Council and the late Chief Secretary, and the subsequent steps taken to Cancel the License granted by the Board."

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OYSTER FISHERIES.—(11 & 12 Vict. c. 92, and 13 & 14 Vict. c. 88.)

APPLICATION FOR PERMISSION.

Sir,

I, *John Wynne*, of Hazlewood, in the county of Sligo, the proprietor of the lands of Ballyweelin, Cregg, and in the parish of Drumcliffe, barony of Ballincar, Carbury, and county of Sligo, being desirous to avail myself of the right to form and cultivate oyster beds on the shores adjacent to said lands, as marked on the Ordnance sheet herewith sent, do hereby request that the Commissioners of Fisheries will be pleased (should they, on due inquiry, think fit so to do), to grant me the necessary permission, pursuant to the provisions of the above-mentioned Acts, to form or plant such beds; and I believe that in the place I propose to form such beds no oyster bed, profitable or available to the public, now exists.

Dated this 15th day of November 1864.

(signed) *John Wynne.*

The present bed, in my possession by a prescriptive right of 50 years, is marked pink. The land supposed to be suitable for planting is marked yellow in the accompanying Ordnance sheets, by book post.

To Edward Hornsby, Esq., Secretary, &c.,
Office of Public Works, Dublin.

Approved at Board, 15 March 1865.

(signed) *J. G. McKerlie.*

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My dear Sir, Hazlewood, 12 November 1864.

I AM much obliged by your letter. I shall sign one of the notices you enclosed, and send the map I have made in 1847 of my oyster bed, and also mark it on the Ordnance sheet, of which I think I have one. I hope to send the maps by Monday's post.

I shall have to try my right over again, as they have made a complete ribbon matter of it now, and I am obliged to get protection for my bailiffs to endeavour to identify the men.

I am not sufficiently versed in oyster questions to know how much of my shore to the eastward is suitable for a new bed. I have the shore, in addition to my right as owner, lately granted as far as wrack is concerned by the Government.

I shall probably be obliged to apply to have the trespassers tried elsewhere, as they, the jurors, are afraid to find in favour of the bed.

Very truly,
(signed) *John Wynne.*

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## Oyster Fisheries.

Application of the Right Honourable *John Wynne*, for permission to form Oyster Beds on part of the shores adjacent to the lands of *Ballyweelin*, *Cregg*, and *Ballincar*, parish of *Drumcliffe*, barony of *Carbury*, and county of *Sligo*.

Court House, Sligo, 30 November 1864.

The application of Sir R. G. Booth having been disposed of, Mr. Barry entered upon the case of the Right Honourable John Wynne.

Mr. Charles Sedley appeared in support of the application.

The application and notice having been read, Mr. Wynne said, "I think it necessary, Mr. Harkan, in order to save time, to inform you that the present application has nothing whatever to do with the disputed bed at Ballyweelin, or with anything which is at present under trial. As regards that bed, I am quite satisfied to leave the issue with the tribunals of the country before which it will be decided. I tried the question before, about 17 years ago, when an attempt was made to dispute my title to the bed, and the decision was in my favour; since that time I have imported large quantities of oysters from the west of Ireland, and had them planted there; since the trial about 17 years ago, I have been left in uninterrupted possession of these beds until lately, when the attempt to dispute my title has been revived. The case has been tried at Quarter Sessions, but there was no decision come to. It now remains in *statu quo* until next Assizes, and I am quite prepared to abide the issue. But my present application is for planting new beds upon the ground coloured yellow on the map, and has nothing whatever to do with anything in litigation. I merely wish to simplify the case, and to explain to the Commissioners and the public, that I wish to take no advantage that would interfere at all with the pending trial. I would be glad to have the question in dispute decided by law."

Mr. *Wynne* sworn:—I see the map which accompanied my application. I see the part marked pink. I do not claim the exercise of the Commissioners' powers as to that. That is what I claim from prescriptive right. The part marked yellow is where I ask for the exercise of the Commissioners' powers. I believe that the ground there is suitable for the formation of oyster beds. I believe there are no public rights there, for there are no oysters there. I am the owner of the lands named in the application. (*Map handed in, showing the line of the new channel or sailing course made by the Town and Harbour Commissioners within the last five or six years.*)

*Witness* (to Mr. *Harkan*).—The new bed comes through the old channel. I don't think it includes the new channel. I had no intention whatever to go across the new channel with my new bed, and if it is so shown it is a mistake. It was not in my idea to go outside the new channel, as I do not think it is ground fit for an oyster bed. The greater part of the ground that I seek is now covered with water. The Town and Harbour Commissioners have a great power over the channel, and have liberty to cut a new channel, which they have exercised. I am a Commissioner myself. They have changed and improved the channel considerably. There is not any part of my prescriptive bed marked in yellow upon the map. I know the part tolerably well where the oysters are. There may be a few oysters on the part marked yellow, but I am certain there are not a good many. I never heard or saw that the public had a right to dredge for oysters on the ground marked yellow. I never heard that the public claimed a right to dredge there. I take the south side of the new channel as the boundary of the proposed new bed, and I exclude all outside that wall.

Mr. *William Clarke* sworn:—I am an engineer and surveyor. I coloured the map now produced which accompanied the present application. Mr. Wynne's present oyster bed is marked pink. We never knew or recognised the new ground or the part marked yellow, as an oyster bed. I do not know of the public claiming or exercising any rights upon the ground now sought to be appropriated. In fact I believe there are no oysters upon it. I never saw the public fishing upon it. The soil is, I believe, very suitable for planting and rearing oysters.

To Mr. *Harkan*.—It just happens that I know a good deal about oysters and oyster beds, although it is not necessary that an engineer should know anything, or much about them. I know the ground where it is proposed to make the new bed very well. I never knew of oysters being upon it. I admit that there could be oysters upon it without my knowing it. I know what is the meaning of a public right, and I have also heard of the usurpation of a public right. I do not think that the public could lose anything by the appropriation of this place, because I believe there are no oysters upon it. I will not swear that there are no oysters there, but I believe there are none. I never fished for oysters myself, for I am not a fisherman. I believe that the allocation and formation of this bed would not interfere in any way with the channel; for oysters lying in the bottom could not interfere with the channel. The channel is marked where the bed is proposed, and I presume that Mr. Wynne will have to mark his new bed under the law; but that can be done without any interference with the navigation of the channel.

To

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To Mr. *Barry.*—The south line of the channel is marked by a high wall, and I believe that would be quite a sufficient and well-defined mark of the bed without any buoys at all; without any special mark. The north side of the channel is not marked in the same way as the south side. I do not think there are perches, but I think there are poles on the north side. I have seen poles, but I do not know whether they are upon the north or the south side of the channel.—(*See* Note.*)

From all I have read about oysters, and from all I have seen, I believe that a well-stocked bed is the best foundation for a public fishery on the ground surrounding it. I believe that such a stocking by individuals is the very best means of resuscitating the public fishery, in fact the only means. I believe that the cultivation of beds by individuals has a most marked effect upon the creation and productiveness of the public beds. I have known of new beds being created in deep water in consequence of the formation of private beds in their proximity. I have heard of some places being covered with oysters by this process, where there never was an oyster before. Upon the ground where Mr. Wynne proposes to create a new bed, I believe that there is not any abundant supply of oysters. I never heard or knew of there being any supply there. I never heard or knew that the public have been in the habit of resorting there for oysters or using it; in fact there are no oysters in it. I pledge myself to mark out distinctly upon the map the new channel as it passes through the existing beds and the proposed new beds.

This closed the case of the Applicant.

*Michael Bree* (produced by Mr. *Harkan*, in opposition) sworn:—I do not know the exact place where Mr. Wynne wishes to form his oyster bed. I understand he intends to have a bed along the Cregg shore. I see the part marked yellow on the map. I say there are oysters from Ballincar Old Castle down to the Coast Guard Station. I know the shore opposite Ballincar. I understand he wishes to have a new bed there. I have seen oysters in the new channel opposite Ballincar. I know the shore opposite Cregg. I know that there are oysters in the channel there. I have fished there, and I have seen other people publicly fishing there. I have fished there with other persons. I have not been fishing there before this year. I am told that others fished there before this year, but I did not see them.

To Mr. *Sedley.*—I am about 28 years of age. I began to dredge for oysters when I was about 21. My experience does not go further back than seven years. I dredged between the Castle Field and the Coast Guard Station. I know the oyster bed that is there. I am not to answer whether it was on Mr. Wynne's bed or not I dredged. It was on that bed that the dredging I am speaking of took place. We dredged along between the Castle Field and the Coast Guard Station. We dredged along the channel from the Coast Guard Station as far as convenient to the Castle Field. We did not go as far up as Lady Sarah's Bathing House, nor as far as Bath Lodge. We did not go as far as Castle Hole.

*John Mannion* sworn:—I know the shore where Mr. Wynne wants to have the new fishery. I know Cregg and Ballincar well. I never saw any dredging there, except what I saw in Mr. Wynne's own boats; I mean upon the shore. I have dredged myself, and seen others dredge between Lady Sarah's Bathing House and Ballincar. I saw oysters dredged in the channel, but not upon the shore. There are oysters between the two places I have named.

Mr. *Harkan.*—Mr. Petrie wishes us to ask a question. He has a salmon fishery in his possession, where it is proposed to create this bed, and he fears that if this application be granted, it might give Mr. Wynne a right to interfere with the capture of the salmon.

Mr. *Barry.*—Mr. Petrie has communicated his apprehensions to me, and I believe there is no ground whatever for them. There is a special provision in the Act for the capture of floating fish, and this provision is repeated in the 24 & 25 Vict. c. 96.

Mr. *Petrie.*—Some difficulties may arise. There are several ways of killing fish; and if my men, in the act of taking salmon, should go upon this bed and trample on the oysters, Mr. Wynne might prevent them.

Mr. *Barry.*—I don't think there could be anything more specific or comprehensive upon this point than the section of the Act which I read for you this morning. It is quite clear upon the subject.

Mr. *Harkan.*—But there is another point which I wish to have put on the notes. Taking together the 41st section of the 11 & 12 Vict. c. 92, and the 1st section of the 13 & 14 Vict. c. 88, which gives a definition of the word "fish," Mr. Petrie being the owner of a several fishery in salmon in the place proposed for the new bed, is also entitled to the oysters, and to everything under the designation of "fish." This possession of a several fishery would give Mr. Petrie the right to any oysters that might be laid down upon the

* *Note.*—I saw the channel the following day. The walls are the south boundary; the poles, and in some cases, perches, the north line.



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the bed, if the Commissioners granted this license; and therefore the Commissioners are excluded from granting any right to oysters to Mr. Wynne, in consequence of the several fishery being vested in Mr. Petrie.

Mr. *Sedley.*—I do not feel it necessary to make any observation in reply to this statement, but everyone knows that the rights of the owner of a several fishery are quite compatible with the present application. Mr. Petrie may take the salmon with his nets and hooks, while we will take the oysters.

*William Petrie* sworn:—I know the place where the new bed is proposed. When fishing for salmon, we constantly haul oysters ashore at that place; that is, all along these shores from Lady Sarah's Bathing House to Ballincar. I have seen numbers of women gathering oysters and mussels with their hands there.

To Mr. *Barry.*—This is my 14th season here. I never dredged for oysters in the place I speak of, but I believe there has been some dredging. I never considered the place Mr. Wynne proposes to make a bed profitable to the public, but I consider it first rate ground for laying oysters upon. From the new cut down to the mills is not suitable ground, but from the new channel to Lady Sarah's Bathing Lodge is a first rate place. You will sometimes see 50 and 60 women gathering oysters and mussels there. I think if there were a well-stocked bed at this place its effect would be to increase oysters in other parts of the bay; it would stock the whole channel where the ground is favourable. It would stock the whole of the hard bottom; but if he gets all he asks for, he will get all that can be stocked. The ground proposed at the back of the channel is most suitable for planting. There is not any public project to create an oyster fishery there. I am sure if left to the public it will never be stocked. If I had the ground I am sure I would make it a good thing.

Mr. *Harkan.*—It only now, sir, remains for me to make a few observations with regard to the law of this case, and a very important question arises here as to the power of the Fishery Commissioners to grant this license. The Act of Parliament giving power to the Commissioners to grant licenses for new beds, never contemplated that this power should be exercised unless where it was clearly seen that there were no disputed rights, and that the authority of the Commissioners should not be exercised to the injury of any person, corporate body, or the public. If the question of right arises, if there is a dispute about the title, that very instant the power of the Fishery Commissioners to grant a license ceases, for if that was not the case, they would be usurping the powers of the civil courts of the country, and *ipsô factô* giving to one party what might turn out to belong to another. There are only two ways of granting exclusive rights in the deep sea, by charter or patent, and by prescription. Now, Mr. Wynne never had this part of the sea before; he does not lay claim to it by charter, patent, or prescription, and therefore I say it will be your duty to inquire whether, beyond all possibility of doubt, there do not exist any other rights to this particular place, whether other parties do not lay claim to it; and if you find there are, then I submit you have no jurisdiction to grant a license or interfere at all. There are two things for you to consider; first, Whether the ground is suitable? and, secondly, Whether the application comes in contact or is opposed to any previously existing rights or jurisdiction? But in this case there is such an opposition. By the Act 43 Geo. 3, c. 60, the Town and Harbour Commissioners of Sligo have the exclusive right to, and are sole proprietors of, that part of the Sligo river below low-water mark from the Wheaten Rock to the Old Bridge. Now, this place, selected by Mr. Wynne, is part and parcel of the Sligo river within these boundaries, within which these Commissioners have entire control over everything; poles, buoys, marks, bed and soil; they have the right to remove or place within these limits such things as they think proper; and so long as they possess that right I submit no other proprietor or individual can possibly lay claim to anything in that river, nor can the Fishery Commissioners grant it. (*Here Counsel read the* 148*th section of the* 43 *Geo.* 3, *c.* 60.) That Act reserves the rights of fisheries then existing; by inference giving the right to the Harbour Commissioners over fisheries thereafter to be created; and I say that that section deprives you of the right to grant any new right of fishing, or interfere in any way with the Sligo river within the jurisdiction of the Sligo Commissioners.

Mr. *Sedley.*—I am the solicitor for the Town and Harbour Commissioners, and I appear here not to oppose but to sustain the application.

Mr. *Harkan.*—The Commissioners of Sligo are the representatives of the public; by their Act of Parliament they have an exclusive right over this river; and no matter whether this body is negligent or ignorant of its rights, or willingly allowed the rights of the public to be filched from them, I assert that the Fishery Commissioners would not be doing their duty by permitting the public rights thus to lapse. These Sligo Commissioners are, perhaps, attending to their own private callings, or, what is more probable, they have entered into an alliance with Mr. Wynne in this matter; but no matter whether they are here or not, I contend that there is an Act of Parliament giving an exclusive right to the river to a certain corporate body, and I hold that by this very fact your jurisdiction is ousted, whether that corporate body appear before you or not. I say if you grant this new bed, you are acting against an Act of Parliament, and would be violating the law. It appears to me that the Harbour Commissioners are acting in concert with Mr. Wynne. I am sorry to

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to see such an alliance; an alliance with one of their own body to take from the people of Sligo their legitimate public rights, and hand them over to an individual, no matter how respectable or honourable he may be.

Mr. *Barry*.—I am much gratified in having all these matters referred to, and every point will be submitted to the Commissioners with whom the ultimate decision rests; but I cannot allow it to go abroad, nor anyone in this crowded court to believe, that there is any intention on the part of the Commissioners of Fisheries to do any injury to or interfere with public rights. Their sole object is to improve and increase the stock of oysters for the public benefit, and the cultivation of private beds must always be for the public advantage. We have it in evidence that this is a piece of ground very suitable for the cultivation of oysters; and we know from experience in other cases that oyster cultivation will not be carried out by anyone except an individual proprietor, who must enter into the matter vigorously, and lay out a large sum of money in order to secure success. But his success is also the success and advantage of the public. The Commissioners in granting a license to individuals, always, of late years, append a condition that the bed must be well stocked within a specified time, and kept well stocked, otherwise the party obtaining the license forfeits his rights. That being the case, it is physically improbable that the planting of a private bed will not result to the benefit of the public; for the oysters will not confine themselves, nor will their young, to the particular bed on which they are laid or propagated, but will spread in all directions, and thus in time increase the public supply and the public wealth. The people of England are more alive to this than we are; and I may tell you that during the last Session, Parliament alienated to a private company no less than 6,500 acres of the shores of Herne Bay, on the coast of Kent, for the formation of oyster beds, and with a view to the general benefit of the public, and the development of this rich source of industry. You cannot have an oyster fishery without cultivation, care, and expenditure of capital, and that you can only have where individuals or companies enter into the speculation. We see that everywhere upon our own shores, the great natural deposits are unsparingly dredged, and no one out of the great body called "the Public" supplying the means for meeting this excessive drain.

Mr. *Sedley*.—I would not feel myself called upon to make any observation in reply to Mr. Harkan, were it not for what he has said in reference to the Town and Harbour Commissioners, whose solicitor I am. He does not appear here for these Commissioners; he is not instructed by them. He appears for a number of poachers, whom he calls the public, and instead of argument employs vituperation. If the Sligo Commissioners thought the present application an improper one they would oppose it, but they do not. Mr. Harkan's clients are poachers, who live by poaching on private beds, and I will not have it go before the public that they have any interest in common with the Town and Harbour Commissioners of Sligo. The supposed alliance between them and Mr. Wynne is a totally unfounded insinuation. If this license be granted, it cannot place the Harbour Trust in the least possible antagonism between Mr. Wynne and the Harbour Commissioners or the public. The Act of Parliament under which these Commissioners have control over the navigation, is an old Act of George 3. It gives them power to carry out certain works, and to improve the navigation of the channel; and this work they have done; but the application of Mr. Wynne has no reference to these works at all. The proposed bed will not interrupt the navigation of the channel; there is evidence before you that the place is suitable for an oyster bed, and there is no evidence whatever to show that the establishment of this bed will interfere with any public right.

Mr. *McDonogh* made some observations as to the possibility of the Harbour Commissioners planting oysters themselves in the place applied for by Mr. Wynne, and requested that no decision would be come to until these Commissioners would have an opportunity of officially expressing their opinion in the case.

Mr. *Barry* assured all the parties that the evidence laid before him would receive the most careful consideration of the Commissioners.

(signed) *Jno. P. Brophy.*

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RE RIVER OF SLIGO.

Chambers, 6, Dawson-street, Dublin,
19 December 1864.

Sirs,

ON the part of Captain Abraham Martin, we request you will not grant to the Honourable John Wynne a license to lay down a bed of oysters within the several fishery of Captain Martin, which extends over the whole river, until we shall have time to consider the matter, say for a fortnight, within which period we will either lodge a formal protest, or withdraw this letter.

We, are &c.
(signed) *Nunn & Jones,*
for *E. Pollock.*

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Secretary to Sligo Town and Harbour Commissioners to *T. F. Brady*, Esq.

Sir, Sligo Harbour Office, 19 December 1864.

I BEG to inform you that the Commissioners for the Improvement of the Town and Harbour of Sligo have had this day under consideration a report from a committee of their body on the proposal of the Right Honourable J. Wynne to your Board for a license to plant oyster beds, and they have adjourned the consideration of the matter till this day fortnight. In the meantime I am desired to request your Board to furnish me, for the use of the said Commissioners, a copy of the memorial of the Right Honourable John Wynne to your Board on this subject, and also a tracing of the map lodged by him; any expense incurred in copying the tracing will be defrayed by the Town and Harbour Commissioners of Sligo.

I have, &c.
(signed) *Moses Monds*,
Secretary.

Thomas F. Brady, Esq.

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Secretary to Sligo Town and Harbour Commissioners to *T. F. Brady*, Esq.

Sir, Harbour Office, Sligo, 28 December 1864.

I WROTE you on the 19th instant, in reference to the application of the Right Honourable J. Wynne to form new oyster beds, and requesting a copy of memorial and tracing of map be lodged for the Town and Harbour Commissioners of Sligo. I beg your reply in course of post, whether those documents will be given or not.

I have, &c.
(signed) *Moses Monds*,
Secretary.

T. F. Brady, Esq.

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Secretary to Sligo Town and Harbour Commissioners to the Secretary to Board of Works.

Sir, Harbour Office, Sligo, 30 December 1864.

ON the 19th instant I applied to the Fishery Commissioners for a copy of the map and memorial of the Right Honourable J. Wynne, in applying for a license to plant new oyster beds. The Secretary informs me that he sent my letter to your office, where the map and memorial were deposited. May I request your attention to same in course of post, as the Harbour Commissioners meet on Monday next (2d January 1865) to consider the matter, a special meeting having been called for the purpose.

I have, &c.
(signed) *Moses Monds*,
Secretary to Town and Harbour
Commissioners of Sligo.

The Secretary, Board of Works.

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Secretary to Board of Works to Secretary to Sligo Town and Harbour Commissioners.

Office of Public Works, Dublin,
30 December 1864.

Sir,

IN compliance with the request contained in your letter of the 19th December 1864, I send herewith a copy of the memorial of the Right Honourable J. Wynne (and accompanying copy of map) for authority to plant oyster beds in Sligo Bay.

I am, &c.
(signed) *E. Hornsby*,
Secretary.

M. Monds, Esq.,
Secretary, Harbour Office, Sligo.

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Secretary to Sligo Town and Harbour Commissioners to the Secretary to Board of Works.

Sir, Harbour Office, Sligo, 3 January 1865.

In reference to the memorial of the Right Honourable John Wynne, to plant (if license be granted him) oyster beds at Ballyweelin, Cregg, and Ballincar, on the shores adjacent, as marked on an Ordnance sheet accompanying his memorial, I am desired by the Town and Harbour Commissioners to forward a report of a committee of their body, which was approved of and adopted at a special meeting of the said Commissioners, held on the 2nd instant, pursuant to notice; and to request that if the license sought be granted, due care may be taken to protect the free navigation of the river, and right of the said Commissioners to make, execute, and carry out the public works and improvements which they are authorised to do by Act of Parliament, and that no claim for damage or compensation should be made in case any injury to the new oyster beds should be caused by the works or carrying out the improvements aforesaid.

I beg to enclose a copy of the report referred to.

I have, &c.
(signed) *Moses Monds*,
Secretary to Sligo Town and Harbour Commissioners.

The Secretary, Board of Works.

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Messrs. *Nunn & Jones* to the Commissioners of Fisheries, &c.

Re Sligo River—Martin's Fishery

Chambers, 6, Dawson-street, Dublin,
4 January 1864.

Sirs,

Having ascertained that a claim for a certificate to form an oyster bed between Cartron Point and Oyster Island has been brought before you, I, on the part of Captain Martin, object to such a certificate being granted, as it is within the bounds of his several fishery, and request that you will give me due notice of any proceedings in relation thereto, that I may protect his interests in the matter.

Yours, &c.
(signed) For *Edward Pollock*,
*Nunn & Jones*.

The Commissioners of Fisheries, &c.

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Secretary to Board of Works to the Right Hon. *J. Wynne*.

Office of Public Works, Dublin,
6 January 1865.

Sir,

I send herewith, by direction of the Board, copies of letters received from the Harbour Commissioners of Sligo, and Messrs. Nunn & Jones, relative to your proposed new oyster bed, and I am to request you will favour the Board with your views thereon.

Please return the enclosed printed paper with your reply.

I am, &c.
(signed) *G. Hornsby*,
Secretary.

The Right Hon. J. Wynne,
Hazlewood, Sligo.

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Secretary to Board of Works to the Right Hon. *J. Wynne*.

Office of Public Works. Dublin,
20 March 1865.

Sir,

The Board have decided upon granting to you a license to plant oyster beds on the shores of Ballyweelin, Cregg, and Ballincar, as defined at the meeting held at Sligo on the 30th November 1864, upon condition that the free navigation of the channel shall not be interfered with, and that the Harbour Commissioners shall be guaranteed from any claim for damage by dredging.

I am, &c.
(signed) *G. Hornsby*,
Secretary.

The Right Hon. J. Wynne,
Hazlewood, Sligo.

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Secretary to Board of Works to the Right Hon. *J. Wynne.*

Office of Public Works, Dublin,
11 May 1865.

Sir,

I SEND herewith six copies of the license to plant oyster beds in Sligo Bay, granted to you by the Commissioners, and I am to request you will acknowledge their receipt.

I am, &c.
(signed) *William S. Stock,*
pro Secretary.

The Right Hon. J. Wynne,
Hazlewood, Sligo.

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FISHERIES.

(Acts 5 & 6 V. c. 106, 7 & 8 V. c. 108, 8 & 9 V. c. 108, 9 & 10 V. c. 114, 11 & 12 V. c. 92, & 13 & 14 V. c. 88.)

PERMISSION TO FORM OR PLANT OYSTER BEDS OR LAYINGS.

WE, the undersigned, being Commissioners of Fisheries in Ireland, in pursuance of the powers and authorities in us in that behalf vested, have permitted, and by this present writing under our hands, do permit the Right Hon. John Wynne, of Hazlewood, in the county of Sligo, to form or plant oyster beds or layings in the places and within the limits hereinafter mentioned, that is to say, in that part of Sligo Bay, outside or adjacent to that part of the townlands of Ballyweelin, Cregg, and Ballincar, of which the said Right Hon. John Wynne is owner, and said lands being in the parish of Drumcliff, barony of Carbury, and county of Sligo, which said several intended oyster beds or layings are more particularly shown on the map annexed, as marked by the letter (A) and delineated by plain hatching thus / / / / / / / / / / and coloured blue, on the express condition that the space herein named be properly tocked with oysters and duly preserved within five years from the date hereof, to the satisfaction of the Commissioners of Public Works, otherwise this license to be to all intents and purposes absolutely void.

Given under our hands this 29th day of April 1865.

*J. G. McKerlie,* } Commissioners of Public Works and
*W. R. Le Fanu,* } Fisheries in Ireland.

*J. Redmond Barry,* Inspecting Commissioner of Fisheries in Ireland.

Office of Public Works,
Department of Fisheries,
Custom House, Dublin.

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Secretary to Board of Works to the Right Hon. *J. Wynne.*

Office of Public Works, Dublin,
21 April 1865.

Sir,

IN reply to your letter of the 19th instant, I have to inform you that the lithographer has promised to have your oyster license completed in the early part of next week.

I am, &c.
(signed) *William S. Stock,*
pro Secretary.

The Right Hon. J. Wynne,
Sackville-street Club, Dublin.

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*H. T. Dix,* Esq., to Secretary to Board of Works.

9, Upper Gardiner-street, Dublin,
20 October 1865.

Sir,

ON the 29th April 1865, the Commissioners of Public Works granted a license to the late Right Honourable John Wynne, of Hazlewood, Sligo, to plant oyster beds in part o Sligo Bay. Mr. Wynne died on the 19th June last, and was succeeded in his estates by his son Owen Wynne, Esq., who is also his heir-at-law.

Will you please inform me, on his behalf, whether he became entitled to the benefit of that license as heir-at-law of his father, and will he, in case he prosecutes the planting of the oyster beds by virtue of that instrument, be entitled to the property in them conferred upon

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upon proprietors holding such licenses under the Statute giving the Commissioners power to grant them. My reason for this inquiry is that there are no words of limitation in the license, which appears to be merely a personal privilege granted to Mr. Wynne himself.

I remain, &c.
(signed) *Henry T. Dix.*

The Secretary,
The Commissioners of Public Works,
Custom House.

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Secretary to Board of Works to *H. T. Dix*, Esq.

Office of Public Works, Dublin,
4 November 1865.

Sir,

In reference to your letter of the 20th ultimo, asking whether Mr. Owen Wynne is entitled to the benefit of the license to form oyster beds granted to the late Right Hon. John Wynne, I am directed to state that the license referred to is in the usual form, as directed by the Act of the 13 & 14 Vict. c. 88, s. 41, and, it is presumed, gives a title to the present Mr. Wynne, as the proprietor to the land adjoining the place where the oyster bed has been licensed; but the Board are always unwilling to give an opinion on a legal point such as that suggested in your letter.

I am, &c.
(signed) *E. Hornsby*, Secretary.

H. T, Dix, Esq.,
9, Upper Gardiner-street, Dublin.

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Secretary to Sligo Town and Harbour Commissioners to the Secretary, Fishery Board.

Harbour Office, Sligo,
22 December 1865.

Sir,

Referring to my communication to you of the 3rd January last, accompanying a Report of a Committee of the Sligo Town and Harbour Commissioners, on the subject of an application from the Right Hon. J. Wynne, deceased, to plant oyster beds at Ballyweehn, on the shore of a navigable river, I beg to inform you that F. M. Olpherts, Esq., agent to Owen Wynne, Esq., has stated to me in a letter dated 18th instant, that your Board has granted a license to plant said oyster bed; I am therefore directed to inquire whether, in doing so, due care was taken to protect the free navigation of the river, and right of the Harbour Commissioners to carry out the public works and improvements they are authorised to do by Act of Parliament, and that no claim for damage or compensation can be made in case any injury to the new oyster bed should be caused by the harbour works in carrying out the river improvements.

Yours, &c.
(signed) *Moses Monds*, Secretary.

The Secretary, Fishery Board.

I am desired to ask a copy of the license and conditions annexed.

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Secretary to Sligo Town and Harbour Commissioners to *J. R. Barry*, Esq.

Harbour Office, Sligo,
4 January 1866.

Sir,

I am directed by the Town and Harbour Commissioners of Sligo to state that a deputation from their body purpose waiting on you at the office, Board of Works, at 12 o'clock noon, on Tuesday next, the 9th instant, in reference to a license stated to have been granted to Owen Wynne, Esq., to plant an oyster bed in Sligo river. The deputation will be accompanied by Mr. Armstrong, M.P.; and I will feel obliged if you say in reply whether the time will suit you.

I remain, &c.
(signed) *Moses Monds*,
Secretary to Town and Harbour
Commissioners, Sligo.

J. R. Barry, Esq.,
Commissioner of Fisheries.

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Secretary to Board of Works to the Secretary to Sligo Town and Harbour Commissioners.

Office of Public Works,
5 January 1866.

Sir,

I AM directed to inform you, in reply to your letter of the 4th instant, relative to the license for the formation of an oyster bed in Sligo Bay, granted to the late Right Hon. J. Wynne, that the Board will be happy to receive the deputation of the Sligo Harbour Commissioners on the day specified, Tuesday next, the 9th instant, at 12 o'clock.

I am, &c.
(signed) *E. Hornsby*, Secretary.

M. Monds, Esq.,
Harbour Office, Sligo.

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Secretary to Board of Works to *H. T. Dix*, Esq.

Office of Public Works, Dublin,
5 January 1866.

Sir,

I AM directed to inform you that Tuesday next, the 9th instant, at 12 o'clock, has been fixed by the Board to receive a deputation from the Sligo Harbour Commissioners in reference to the oyster license granted to the late Right Hon. J. Wynne.

I am, &c.
(signed) *E. Hornsby*, Secretary.

H. T. Dix, Esq.,
9, Upper Gardiner-street, Dublin.

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Secretary to Sligo Town and Harbour Commissioners to the Secretary to Board of Works.

Harbour Office, Sligo,
11 January 1866.

Sir,

REFERRING to our interview with your Board on the 9th instant, in reference to a license to plant oyster beds in Sligo river granted to the late Right Honourable John Wynne, and the promise of the Chairman that a copy of the license, with map, and of the correspondence showing the terms on which said license was sought, and the conditions on which it was granted, would be furnished when applied for, I am directed by the Town and Harbour Commissioners of Sligo to request you to furnish the copies referred to at your earliest convenience.

I am, &c.
(signed) *Moses Monds*, Secretary.

The Secretary,
Board of Works, Dublin.

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Secretary to Board of Works to the Secretary to Sligo Town and Harbour Commissioners.

Office of Public Works, Dublin,
13 January 1866.

Sir,

IN compliance with the request conveyed in your letter of the 11th instant, I send herewith a copy of the license to form oyster beds in that part of Sligo Bay adjacent to the lands of Ballyweelin, Cregg, and Ballincar, as shown on the map annexed to such license, and granted by the Commissioners to the Right Hon. J. Wynne. I also send copies of the letters of the 9th January and 21st March 1865, in which he undertook that the navigation of the channel should not be interfered with, and to guarantee the Sligo Harbour Commissioners against claim for damage on account of dredging for the improvement of the navigation.

*See* page 14, A. A.

I am, &c.
(signed) *E. Hornsby*, Secretary.

M. Monds, Esq.,
Harbour Office, Sligo.

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Secretary to Sligo Town and Harbour Commissioners to the Secretary to Board of Works.

Sligo Harbour Office,
15 January 1866.

Sir,

I am desired by the Town and Harbour Commissioners of Sligo to acknowledge receipt of your letter, 13th January, along with a copy of the license to the late Right Hon. J. Wynne to plant oyster beds, and copies of Mr. Wynne's letters of 9th January and 21st March 1865; and to request you to furnish copies of the entire correspondence between the Board of Public Works and the late Right Hon. J. Wynne on this subject; also, if the original map lodged by Mr. Wynne has been found, that you would have the goodness to send a copy of it.

I remain, &c.
(signed) *Moses Monds*, Secretary.

E. Hornsby, Esq., Secretary.

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Secretary to Board of Works to the Secretary to Sligo Town and Harbour Commissioners.

Office of Public Works, Dublin,
22 January 1866.

Sir,

In reply to your further letter of the 15th instant, asking for other letters between this Board and the late Right Hon. J. Wynne, in addition to those forwarded to you on the 13th instant, I am directed to state that the Board do not consider they would be justified in giving Mr. Wynne's entire correspondence with this Department. I am to add that there is nothing in any of the letters that may have passed at all material to the Sligo Harbour Commissioners, beyond what is contained in the letters adverted to at the late meeting which the Sligo Harbour Commissioners had with this Board, of which copies have been furnished to you.

Mr. Wynne's original map has not yet been found; but you will probably recollect that a copy of it was sent you on the 30th December 1864, in compliance with an application made by you on the 19th of that month.

I am, &c.
(signed) *E. Hornsby*, Secretary.

M. Monds, Esq.,
Harbour Office, Sligo.

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Secretary to Sligo Town and Harbour Commissioners to the Secretary to Board of Works.

Harbour Office, Sligo,
29 January 1866.

Sir,

I beg herewith to forward a copy of the Statement to be submitted to the Chief Secretary on Friday next, 2nd February, at half-past four p.m., being the hour the Right Hon. Mr. Fortescue has named to meet the deputation.

I have, &c.
(signed) *Moses Monds*, Secretary.

E. Hornsby, Esq.,
Secretary, Board of Works.

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STATEMENT submitted by the Harbour Commissioners of *Sligo*, for the information of the Right Honourable the Chief Secretary for *Ireland*, preparatory to his reception of a Deputation from the Commissioners, which he has been pleased to fix for the 2nd February 1866, when matters will be more fully explained.

The Act (local and personal) in margin defines the powers and rights of the Harbour Commissioners of Sligo. Sligo Harbour Improvement Act, June 1846.

The Sligo river is a tidal navigable river up to the Quay of Sligo. The Commissioners, at an expense of about 20,000 *l.*, made a new direct cut and channel in the river near the quay, by which the inconvenience of a natural curve of the river at that place was avoided.

The due maintenance of this new channel involves and requires its periodical dredging, and this necessitates a resort to a convenient depository for the stuff to be from time to time removed from the new channel. Some portion of the space between the old circuitous channel and the new channel, or else the old channel itself (which will shortly become totally unused), affords the proper site for this deposit, and a removal of the dredged stuff to any greater distance would be attended by serious expense, and, in effect, work an impediment to the shipping business of Sligo.

 By

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13 & 14 Vict. c. 88, s. 41.

By statute, as margin, the owner or occupier of any land bordering on the sea or any estuary, with the permission in writing of the Fishery Commissioners, may form or plant any oyster bed on the shore adjacent to such lands, and either above or below the level of the lowest water marks of spring tides, as the said Commissioners shall think fit; and the persons forming or planting such oyster beds may hold same as private property, and exercise exclusive control over same, and a taking of any oysters from such beds without the owner's consent shall be larceny.

On the 30th November 1864, Mr. Commissioner Barry sat in Sligo for the purpose of ascertaining the propriety of granting a license to the late Right Hon. J. Wynne to plant oyster beds in Sligo river. The usual notice was, it is believed, given of this meeting; but the attention of the Harbour Commissioners was not directed thereto, nor did they pass any resolution appointing, and they did not appoint any person to attend before Mr. Barry on their behalf. On seeing the report of the meeting in the Sligo papers, the Harbour Commissioners became apprehensive that the proposed oyster bed might obstruct or interfere with the navigation of the river, or otherwise affect the improvements the Commissioners were carrying out under their Act of Parliament, and at their monthly meeting, 5th December 1864, they directed an application to be made to the Right Hon. J. Wynne, and also to the Board of Works, for copies of the map lodged by Mr. Wynne, with his application, and appointed a committee to examine the places where the proposed oyster beds were to be planted. Copies of the maps were furnished by Mr. Wynne and the Board of Works, and the committee made the following report, which was approved of by the Board of Harbour Commissioners at their monthly meeting, 7 January 1865.

"Gentlemen,

"The undersigned, in accordance with the resolution of your body, 5 December, went down the new ship's course, and examined the place where it is proposed to plant new oyster beds. We had a copy of the map lodged by the Right Hon. John Wynne, and were, at our request, accompanied by Mr. William Clarke, who knows the locality, and who prepared the maps. From the examination we made, it appears that the proposed new oyster bed will, if the license be granted, be placed in the bed of the old channel, from near Cartron Point, as far down the river as the present oyster bed at Ballyweelin, and will reach close up to the north wall of the present new channel, the entire of its course. To describe the project in more clear terms, we may say that the proposed new oyster beds will occupy the entire of the ground between the new channel and the shore from Cartron Point to Ballyweelin. We cannot doubt that this project, if carried out, will be a great source of wealth, and give considerable employment; and we are of opinion that whatever developes the resources of this country, increasing its riches, and giving employment to its people, merits our strongest approval, and that it would be most impolitic and injudicious for any one, particularly any public body, to do any act calculated to interfere with such valuable improvements. As regards your body, we consider your chief duty is to secure the free navigation of the river, and that there shall not be any obstruction in its channel. The Harbour Commissioners have no legal power to put down oyster beds, or to derive any revenue therefrom, or to interfere in any manner, unless for the improvement of the harbour, the carrying on, and preserving from injury the necessary works. But it is an important question, and one to which the attention of the Harbour Commissioners, acting in the discharge of their legal duties, should be directed; whether the planting of oyster beds in the old channel of the river may not at some time or other cause such an obstruction as might be injurious to navigation. Our opinion is, that there can be no doubt the present new channel, about 300 feet wide, is amply sufficient for the trade of this port; the old channel, which is very circuitous, must in the progress of your works, get more shallow, and will not, it is likely, be used from Bath Lodge up by ships coming to your quay. There is another matter which also deserves your consideration, namely, that in the dredging the new channel it will be much less expensive to deposit the stuff dredged on the north side than on the south, or to bring it in punts to the ballast bank. Looking at the whole matter fully, with every disposition to encourage improvement, and at the same time to protect the rights of the Harbour Commissioners, the only action we would recommend is to instruct your secretary to communicate with the Fishery Commissioners, in order that, in granting license to plant new oyster beds, due care may be taken to protect the free navigation of the river; and as the Harbour Commissioners may find it necessary from time to time to deposit sand and other stuff dredged upon some part of the places that are to be planted with oysters, the Harbour Commissioners should be guaranteed from any claim for loss or damage; or if at any time it should be necessary to dredge the new oyster beds in carrying out other improvements, that no claim for damage, or demand for any compensation should be made if any injury to the new oyster beds should be caused by such dredging, deposits, or other harbour works.

(signed) "*R. H. Wood.* *Thomas Little.*
*John Lyons.* *James Tighe.*
*George Leech.* *Daniel McGill.*"

This Report clearly expresses the belief of the Committee and the Harbour Commissioners that the oyster beds should not extend into or embrace the new navigable channel already mentioned, and through which the shipping approaching the quay necessarily passes. A copy of it was sent to the Fishery Commissioners, and to the Right Hon. John Wynne, who expressed his approval of it. The Harbour Commissioners feeling satisfied they had done all that was necessary to protect their own and the public rights, and that these rights would

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would be provided for by the Fishery Commissioners in any grant they might make, took no further action at the time. The license to plant the oyster beds was signed by the Fishery Commissioners, 29th April 1865. The Harbour Commissioners were not aware of the fact of such license having been granted until the 6th January 1866, when the license was exhibited to them by Francis Olpherts, Esq., agent to the late Right Hon. John Wynne. Very much to the surprise of the Harbour Commissioners, the license operates by power of a map thereto annexed and incorporated with it, to give the entire of the new channel to Mr. Wynne to plant oysters in, entirely contrary to what Mr. Wynne had asked and the Harbour Commissioners believed he was about to obtain. The map attached to the license differs very much from the copy supplied by the Board of Works as what had been lodged by Mr. Wynne when making application, the material difference being that it includes the new navigable channel of the river. The license is entirely silent as to any security or guarantee, such as suggested by the report already above set forth. Alarmed at the consequences likely to result from the state of affairs, the Commissioners appointed a deputation to wait on the Board of Works, in order to remonstrate against the license in its present shape, and to seek to have it reformed, by limiting the site of the oyster beds to what Mr. Wynne had requested, and by having clauses and conditions introduced protective of the rights of the Harbour Commissioners; the result of which deputation will appear by the following report:—

"To the Harbour Commissioners of Sligo.

"Gentlemen,

"We beg to report, for your information, that we were received on the 9th instant by the Board of Fishery Commissioners, at the board-room, Custom-house, Dublin, on which occasion we were accompanied by your secretary (Mr. Monds) and Mr. Sergeant Armstrong. Mr. Olpherts, attended by Mr. Dix as attorney, appeared for Mr. Wynne. The Fishery Commissioners' solicitor, Mr. Alex. Stewart, was also present. The interview occupied two hours, and the grounds of our objections to the license, in its present shape, were fully opened. We requested, in the first instance, that the map which Mr. Wynne originally sent to the Fishery Commissioners should be produced, but, after considerable delay, it was not forthcoming, and was stated by Colonel McKerlie, the chairman, not to be at present procurable. Mr. Barry (one of the Commissioners) stated that the Harbour Commissioners were represented by Mr. Sedley, at the inquiry in Sligo, upon which the Commissioners were immediately informed that Mr. Barry was under a misconception, and that Mr. Sedley did not attend for or on behalf of the Harbour Commissioners. Mr. Barry also stated, that all the precaution had been taken in granting the license to prevent interference with the rights of the Harbour Commissioners. Mr. Monds thereupon called attention to the report, dated the 5th day of December 1864, which was forwarded to the Fishery Commissioners, and was, as they admitted, in their hands before the license was granted, and requested to be informed what the precautions were which were taken to guard against trenching on the right and authority of the Harbour Commissioners, and thereupon it was stated by the chairman that a correspondence had taken place between the Fishery Commissioners and Mr. Wynne before the license was granted, and but for which the Fishery Commissioners all declared they would not have granted such license. The chairman then read the correspondence, and promised to furnish us with copies thereof if officially applied for, and we annex a copy thereof, since procured. The substance of that correspondence would appear to be, that no oysters should be placed or laid in the new channel, that the Harbour Commissioners' right to dredge the new channel should not be interfered with, and that they should be at liberty to deposit the dredge stuff on the site of the proposed oyster beds, without thereby incurring any liability, at their discretion; but for greater certainty, and for the precise contents and effect of said correspondence, we beg to refer thereto. The deputation strongly pressed upon the Fishery Commissioners the remodelling of the license, by making the north wall the limit of the oyster bed in that direction, and by introducing a stipulation as to the right of depositing stuff on the oyster beds, or on a part thereof, to be defined by the Fishery Commissioners, and which the deputation suggested and urged should be the old channel. Mr. Dix denied the power of the Commissioners to vary the license, and under the advice of Mr. Stewart, the Fishery Commissioners declined to vary it, but again unanimously declared that, but for and on the faith of Mr. Wynne's letters, they never would have granted it. It was then suggested by the deputation that the Commissioners might, at all events, by consent remodel the license, and that such consent should be given on behalf of Mr. Wynne, as he was bound in equity to give effect to his letters. Mr. Dix, however, declined to give such consent, but stated his willingness, if your secretary applied to him officially by letter to put his admission in writing, to state in reply that Mr. Wynne would not place oysters in the new channel, and that the Harbour Commissioners might dredge the new channel, and deposit stuff on such parts of the oyster beds as should be mutually agreed upon between the Harbour Commissioners and Mr. Wynne, and that Mr. Wynne would have effect given to this arrangement by deed, to be executed by himself and the Harbour Commissioners. We did not feel at liberty to authorise such application to Mr. Dix, as its effect might be more or less to appear to recognise terms less favourable than Mr. Wynne's letter would suggest, and upon the whole, we beg to report and submit our opinion, that it would not be judicious to enter into any such correspondence with Mr. Dix. As matters now stand, it appears that the license will not, as regards any action by the



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the Fishery Commissioners, be remodelled or altered in any way, but that, as stated by Mr. Stewart and Sergeant Armstrong, you possess an equitable right to restrain Mr. Wynne, or his representative, from any act or proceeding in derogation of the undertaking and proposition, upon the faith of which the license was granted. We have thus given you a substantial outline of our proceedings, and it is for the Harbour Commissioners to consider whether any other and what steps should be taken upon the subject on which we were commissioned.

"As regards how far the interests of the town and Harbour Commissioners, and of the public, are affected by the license granted, we beg to lay before you—

"1. The copy of the map lodged by the Right Honourable J. Wynne with the Board of Public Works, when making application for the license, which copy was given by Mr. William Clarke, and used by the committee who examined the river and new ship's course, accompanied by Mr. Clarke, on December 5th, 1864.

"2. The map furnished by the Board of Works, as a copy, on December 31st, 1864, which was produced at your meeting of January 2nd, 1865, the Right Honourable J. Wynne being present, and which agrees substantially with the map made by Mr. Clarke.

"3. The map and license now granted, which materially differ from Nos. 1 and 2, and include the whole of the new channel as part of the new oyster bed.

"As the power to grant a license to plant oysters in a navigable river is of serious importance to the mercantile interests of the entire country, we had under consideration the propriety of waiting on the chief secretary, to seek, on public grounds, an amendment of the Act and a revocation of the license granted: but on consultation with Sergeant Armstrong, and having regard to the terms of your resolution appointing us, we thought it more judicious not to go in any respect beyond its terms, but report the matter to you for further consideration.

"We cannot conclude this report without stating our deep obligation to Sergeant Armstrong for the great interest he took in the matter, and for his valuable services. He made himself thoroughly master of the case, referred to all the Fishery Acts of Parliament bearing on the subject, and urged our views on the Board of Public Works with force, clearness, and great ability. Should you decide on applying to the Irish Government on the subject, he expressed his readiness to accompany the deputation, and strongly recommended such a course of proceeding.

"We are, &c.
(signed) "*T. H. Williams*, Mayor,
"*W. A. Woods*,
"*James Tighe.*"

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A

The letters from the late Right Honourable J. Wynne, referred to by the chairman of the Fishery Commissioners, are in the following words:—

"Gentlemen, "Hazlewood, 9 January 1865.

"I HAVE to acknowledge your letter of the 6th, and beg to return the Commissioners' letter, upon which I have no remarks to make. I consider their desire to protect themselves against claims for damage (in case of dredging or laying the stuff dredged) to my beds when made is but reasonable, and do not apprehend that the oyster planting will in the slightest degree interfere with either operation, and have no objection to their being protected from any claim of compensation, in case of their depositing the stuff so dredged in the place most convenient for the public advantage.

"I should not have included the new channel in my application but for the following reasons:—

"1. The south side, being the one marked by the wall, makes at once an unmistakable mark for the space granted for planting oysters.

"2. I apprehend that much of the spawn will adhere to the stones, and thereby, if not included in the grant, would become public property, and as the boats dredging there would be within that mark, it would be, at high water, impossible to watch them, so as to prevent them taking a run in on the beds.

"Yours, &c.
"The Commissioners of Public Works." (signed) "*John Wynne.*"

---

A

"Sir, "Hazlewood, 21 March 1865.

IN reference to your letter of the 20th instant, I am ready to undertake that the navigation of the channel shall not be interfered with, and to guarantee the Commissioners against claim for damage on account of the dredging for the improvement of the navigation.

"Yours, &c.
"Edward Hornsby, Esq." (signed) "*John Wynne.*"

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The Harbour Commissioners are advised that the license granted by the Fishery Commissioners is irrevocable, and that they have no power to vary or amend it; and that the letters of Mr. Wynne are valueless to interpret or control the license, and afford no adequate protection to the Harbour Commissioners; and the Harbour Commissioners submit—

1. That a license to plant oysters in the navigable channel of the Sligo river is a positive invasion of the statutable rights and powers conferred on the Harbour Commissioners for the public benefit, and an improvident and mistaken exercise of authority by the Fishery Commissioners, and contrary to the intention of the Legislature.

2. That the existence of such a license is calculated to lead to constant conflict and litigation between the owner of the oyster beds and the Harbour Commissioners, and to place the latter in a position of great uncertainty and difficulty; and the appropriation of the entire *locus in quo* as an oyster bed, without reservation of any part, or of a right to resort to any part, for deposit of dredged stuff, must involve them in heavy additional expense, to the great injury of the trade of the port of Sligo.

3. That it is most unreasonable and unbecoming that a public body, as the Harbour Commissioners are, charged with public duties and responsibilities, should, in a matter affecting the very essence of their constitution, namely, uncontrolled and exclusive power over the tidal navigable river of Sligo, be at the mercy of any private individual, or be exposed to the risk and expense of litigation at the instance of such party, or be put to entering into contract or agreement with such party for the protection and conservation of paramount public rights.

4. That the Act of Parliament should be amended by empowering and requiring the Fishery Commissioners to withdraw the present license to Mr. Wynne, or by limiting it as the rights of the Harbour Commissioners require, and by prohibiting the grant of any license to plant oysters in the tidal navigable channel of any river or estuary, the control of which is vested in any Harbour Commissioners or other public body for public purposes, without the express consent of such persons; and by conferring on the Fishery Commissioners a power, upon good cause shown to them, to revoke or vary any license; and to render it obligatory, before granting any license, to summon before them, and to hear by counsel, if so advised, all public bodies or persons whose rights as Harbour Commissioners or otherwise, as representing the public, may be affected by the proposed license; and that no application for licensing an oyster bed shall be entertained unless accompanied by a map (from the Ordnance survey), showing by a distinctive colour the proposed site of the bed, which map it shall be the duty of the Fishery Commissioners to preserve in their office as of record; and further, by giving an appeal to the Court of Queen's Bench in Ireland from any order for a license, and from any refusal of the Fishery Commissioners to vary or revoke a license when granted.

30 January 1856. (signed) *Moses Monds*, Secretary.

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Secretary to Sligo Town and Harbour Commissioners to the Secretary to Board of Works.

Sir, Harbour Office, Sligo, 30 January 1866.

In copy of statement sent yesterday there are a few misprints, which are corrected in enclosed.

Yours, &c.

E. Hornsby, Esq. (signed) *Moses Monds*, Secretary.

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Secretary to Sligo Town and Harbour Commissioners to the Secretary to Board of Works.

Sir, Sligo Harbour Office, 2 February 1866.

On annexed page I beg to give copy of heads of result of deputations of Harbour Commissioners of Sligo to the Right Honourable the Chief Secretary for Ireland, in reference to the license heretofore granted by the Fishery Commissioners to the late Right Honourable J. Wynne. The copy has been supplied me by Sergeant Armstrong, M. P., who retains the paper signed by Mr. Dix and myself.

I have, &c.

(signed) *Moses Monds*,
Secretary to Sligo Harbour Commissioners.

Edward Hornsby, Esq.,
Secretary, Board of Works.

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2 February 1866.

Cancel present license.

New license.

New channel to be excluded. Spoil banks, as fixed by Board of Works, to be marked on map and referred to in license. Power to Harbour Commissioners, from time to time, to apply to Board of Works to substitute site of spoil banks, and the Board of Works to have power so to do.

Before deciding on spoil banks, one of the Fishery Commissioners, or an engineer nominated by the Board of Works, to hear evidence as to site of the spoil banks to be, in the first instance, fixed by the license.

(signed) *M. Monds.*
*H. T. Dix.*

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BOARD'S ORDER.

MEMORANDUM.—License to plant Oysters granted to the late Mr. Wynne, within the Limits of Sligo Harbour.

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REQUEST Mr. Forsyth to make arrangements to proceed to Sligo at his earliest convenience, and to ascertain and determine (having regard to the interests of the Port of Sligo, and keeping clear and unobstructed the new navigation cut or channel, and also the advantageous cultivation of the oyster beds, for which a license has been granted to the late Mr. Wynne, but which on a satisfactory arrangement, as referred to in paper accompanying, being entered into, it has been agreed to surrender) the portion of the old channel, if any, or other ground included within the license, which should be set apart and reserved for the deposition of the spoil or stuff dredged from time to time from the bottom of the new channel in keeping it clear, and which portion it is not intended to include in the new license proposed to be issued.

It will be necessary both that the Harbour Commissioners and Mr. Wynne's agent should have due notice of the time of holding the inquiry, arranged so far as practicable to suit their convenience, in order that they should have full opportunity of stating their respective views, and which it would be desirable that they should be specially invited to do.

A copy of the map attached to the license to be given to Mr. Forsyth for his guidance and information.

8 February 1866.

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Secretary to Board of Works to *W. Forsyth*, Esq., C. E.

Office of Public Works, Dublin,
8 February 1866.

Sir,

WITH reference to a license to plant oysters, granted to the late Right Honourable J. Wynne, within the limits of Sligo Harbour, the Board direct me to request you will make arrangements to proceed to Sligo at your early convenience, and to ascertain and determine (having regard to the interests of the Port of Sligo, and keeping clear and unobstructed the new navigation cut or channel, and also the advantageous cultivation of the oyster beds, for which a license was granted to the late Mr. Wynne, but which on a satisfactory arrangement, as referred to in accompanying paper, being entered into, it has been agreed to surrender) the portion of the channel, if any, or other ground included within the license, which should be set apart and preserved for the deposition of the spoil or stuff dredged from time to time from the bottom of the new channel in keeping it clear, and which portion it is not intended to include in the new license proposed to be issued.

It will be necessary that the Harbour Commissioners and Mr. Wynne's agent should have due notice of the time of holding the inquiry, arranged so far as practicable to suit their convenience, in order that they should have full opportunity of stating their respective views; and which it would be desirable that they should be specially invited to do.

A copy of the map attached to the license is herewith inclosed for your guidance and information. You will be good enough to inform the Board of the day you purpose holding the inquiry, so that the parties interested may be notified.

I am, &c.
(signed) *E. Hornsby*, Secretary.

W. Forsyth, Esq., C. E.,
Office Public Works, Dublin.

---

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*W. Forsyth*, Esq., C. E., to the Secretary to Board of Works.

FISHERIES.—SLIGO HARBOUR.

Office of Public Works, Dublin,
12 February 1866.

Sir,

IN reply to your letter of the 8th of February instant, instructing me to proceed to Sligo at my earliest convenience, to ascertain and determine certain matters affecting the interests of the harbour; and that I should inform the Board of the day I propose holding the inquiry, so that the parties interested may be notified,—I have to inform you that it appears to me to be absolutely necessary that I should make a personal inspection of the harbour, to enable me to ascertain and determine the points referred to in your letter, which can only be done advantageously at low water of spring tides.

On reference to the calendar, I find the moon changes on Thursday next, the 15th February instant. I therefore propose to proceed to Sligo on that day, and will be ready to meet the parties interested on Friday the 16th of February instant, or on the Saturday or Monday following.

I have to request that I may be supplied with the Admiralty chart, on the largest scale published, of the harbour and bay of Sligo; and that you will be pleased to request that the Secretary of the Harbour Board will afford me an inspection of the plans for the improvement of the harbour, and direct their engineer to give me such explanations and information as may assist me in making this inquiry.

I am, &c.
(signed) *William Forsyth.*

The Secretary,
Board of Public Works.

---

Secretary to Board of Works to *H. T. Dix*, Esq.

Office of Public Works, Dublin,
13 February 1866.

Sir,

REFERRING to the license granted to the late Right Honourable J. Wynne to plant oyster beds near Sligo, and to the subsequent arrangement entered into between you (on the part of the representative of the late Mr. Wynne) and the Sligo Harbour Commissioners, I am directed to inform you that Mr. Forsyth, the Board's engineer, will be in Sligo on Friday next, the 16th instant, to meet parties interested in the proposed change of site of the oyster beds.

I am, &c.
(signed) *E. Hornsby*, Secretary,

H. T. Dix, Esq., Solicitor,
9, Upper Gardiner-street, Dublin.

---

Secretary to Board of Works to the Secretary to Sligo Town and Harbour Commissioners.

Office of Public Works, Dublin,
13 February 1866.

Sir,

REFERRING to the license granted to the late Right Honourable J. Wynne to plant oyster beds near Sligo, and to the subsequent arrangement entered into between his representatives and the Sligo Harbour Commissioners:

I am directed to inform you that the Board's Engineer, Mr. Forsyth, will be in Sligo on Friday next, the 16th instant, to meet parties interested in the proposed change of site of the oyster beds, and to request that you will be pleased to afford him an inspection of the plans for the improvement of the harbour, and also that the harbour engineer be requested to give Mr. Forsyth such explanations and information as may assist him in making the inquiry.

I am, &c.
(signed) *E. Hornsby*, Secretary.

M. Monds, Esq.,
Harbour Office, Sligo.

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Secretary to Board of Works to *M. Olpherts*, Esq.

Office of Public Works, Dublin,
13 February 1866.

Sir,

Referring to the license granted to the late Right Honourable J. Wynne to plant oyster beds near Sligo, and to the subsequent arrangement entered into between Mr. Dix (on the part of the late Mr. Wynne's representatives) and the Sligo Harbour Commissioners, I am directed to inform you that Mr. Forsyth, the Board's Engineer, will be in Sligo on Friday next, the 16th instant, to meet the parties interested in the proposed change of site of the oyster bed.

I am, &c.
(signed) *E. Hornsby*, Secretary.

M. Olpherts, Esq.,
Mount Shannon, Sligo.

---

Memorandum by *J. P. Brophy*, Esq.

Mr. Wynne's Bed.—Oyster Fishery.

Between 4 and 6 o'clock on Saturday evening last, the 10th instant (it being then low water), I walked along the entire shore of the bed licensed to Mr. Wynne, and saw the western part by means of a boat. The bottom of the bed as licensed would require very considerable outlay to fit it for the reception of oysters; but if the 30 acres be taken off for the deposit of spoil, the fringe left would be worthless as a bed; and if it were even wider, I think the water would be rendered so muddy by the successive depositions of spoil, that no bed could be cultivated there. The bottom of the old channel outside would also require to be artificially laid down with stones or tiles; an expensive operation, and in my opinion not effectual; for as the silting is going on from year to year, this bottom would soon be covered with mud, and the place become again useless as a bed.

There is a small bit of shore (about two acres) at Castlehole, west of Ballinacar Castle, with a very good bottom, on which oysters grew and propagated formerly; but since the dredging operations they have all perished, a result which would be sure to follow the planting of oysters on the fringe between Castlehole and Standalone Point.

The only place I see in which a good and profitable bed could be made is off the shore of Ballyweelin, and inside the red dotted line B. B. B. That of course could not be given without another inquiry, and the result of that would depend upon the course taken by "the public." But supposing the public did not oppose, and the license was granted, Mr. Wynne would have no protection under the license, if the law be as laid down by Judge O'Brien at Sligo on the 9th instant.

13 March 1866. (signed) *Jno. P. Brophy.*

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*W. Forsyth*, Esq., C.E., to the Secretary to Board of Works.

Sea Fisheries under the Acts.—Sligo Harbour.

Office of Public Works, Dublin,
27 February 1866.

Sir,

In accordance with your letter of the 8th of February instant, referring me to a license to plant oysters within the harbour of Sligo, and to excluding therefrom the new navigation channel, and the portion of the old channel to be reserved for the deposition of spoil thereon, I proceeded to Sligo on the 15th of February instant, and on the following day, the 16th, I was accompanied by several gentlemen, who are Commissioners of the harbour, and their harbour-master, and also by Mr. Wynne's agent, in an inspection of the new navigation channel, and the portion of the old channel included in the license to plant oyster beds granted to Mr. Wynne. I heard the statements of both parties in reference to their respective interests, and have to submit the following report for the Board's consideration:—

The portions of the ground included within the license upon which there appears to be a conflict of interests are the new navigation channel and that portion of the old channel which extends from the cross wall, or jetty, near Standalone Point, to the proposed termination of the north wall, opposite Bath Lodge.

The Harbour Commissioners appear to be carrying on their operations under an Act of Parliament obtained in the reign of George the Third. Previous to that time, the river course, or navigation channel, was exceeding crooked, and liable to frequent changes. The improvements of the channel have been carried on from time to time, until there is now a new straight channel from Duncan's Island to a point opposite Bath Lodge, a distance of about 1¼ mile.

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1¼ mile. This new channel is 300 feet wide, and defended on each side by rough stone walls, and it is the crooked portion of the old channel on the north side which has been cut off by this new channel, which forms principally the subject of this inquiry.

The heads of inquiry to which my attention is called in your letter of instructions already referred to, which is accompanied by a copy of the map attached to the license, copy of a letter from the Secretary of the Harbour Commissioners, enclosing a copy of an arrangement signed J. Monds and H. T. Dix, appear to me to be three in number, viz.:—

1. The new navigation channel which is to be excluded from the new license.

2. The portion of the old channel which should be set apart and preserved for the deposition of spoil.

3. The advantageous cultivation of the oyster beds, for which a license has been granted.

First. The navigation channel is to be excluded from the new license.—It is, as far as I could ascertain, admitted by all parties, that the new navigation channel should be fully and completely under the exclusive control of the Harbour Commissioners. The dredging operations are not merely for keeping the channel clean, or at a determined level of bottom. A large portion of it is an entirely new channel, in which there is at present only from four to five feet in depth at low water of spring tides. The portion of the old channel to seaward of this new channel has from eight to nine feet in depth at low water of spring tides for about one-half of its width. It is contemplated by the present plan of the improvements, that the whole of the channel of 300 feet in width, from the quays to the pool, shall be dredged to a depth throughout of nine feet at low water of spring tides, and to accomplish that very desirable object will involve the removal, by dredging, of considerably upwards of a quarter of a million of cubic yards of sand, gravel, and mud.

Second. The portion of the old channel, which should be set apart and preserved for the deposition of spoil.—This appears to me to be the most difficult and important part of the inquiry, which I am instructed to determine. The only portion of the ground included within the license, and to be reserved for the deposition of spoil, upon which there appears to be a conflicting of interests, is that portion of the old channel on the north side, between the cross wall or jetty at Standalone Point, and the point where it is proposed to terminate, the north wall, opposite Bath Lodge, a distance of about 1,100 yards, and containing an area of about 22 statute acres. The Harbour Commissioners demand that the whole of that portion of the old channel which has been up to the present time in their occupation shall be preserved and set apart for the deposition of spoil, and in certain states of the wind and tide, for passing their barges or scows up and down through it.

After an inspection of this part of the harbour, hearing the statements of both parties, and taking into consideration all the circumstances of the case, I have come to the conclusion that this old channel should continue set apart and preserved to the Harbour Commissioners for the purpose of depositing spoil dredged from the new channel thereon, and for such other purposes as will enable them to carry into effect the future improvements of the navigation channel, in the most facile and economical manner.

I have marked the new navigation channel in lake colour on the accompanying plan, as it is shown on the Admiralty chart, corrected up to October 1859; and the portion of the old channel which, in my opinion, should be set apart and preserved for the deposition of spoil, I have marked in purple colour. The area coloured purple is about 22 statute acres. I have also marked a stripe at the rear of the north wall, for the purpose of depositing sand and gravel thereon, to support the wall when raised to the proposed full height, the area of which is about eight statute acres. The whole area, as shown by purple colour, and which, in my opinion, should be preserved for the purposes of the harbour, is about 30 statute acres.

Third. The advantageous cultivation of the oyster beds, for which a license has been granted.—From what has already been stated, it is, in my opinion, doubtful whether any part of the old channel between Standalone Point and the lower end of the north wall will be favourably circumstanced for oyster beds. I have, however, kept the portion coloured purple, which is to be reserved for spoil, as much away from the shore as convenient, so as to leave as much breadth as practicable. No doubt, any oyster beds formed here would be liable to injury from the manner in which the sand and gravel is thrown from the decks of the barges; but much might be done to prevent that by a low stone wall along the boundary line of the ground reserved for spoil.

There will be a margin of shore with several small inlets, after leaving 300 feet in width from the south wall, on which beds may be formed; but the whole area, although of considerable length, would be small. I take leave, however, to call attention to a part outside of the south wall, described on the map or plan "as an old channel silted up." I was informed that this was for a time, previous to the commencement of the works of improvement, the course of the river and the navigation channel. When that was the case, all that part of the strand between the north shore and that channel came clearly under the definition of being "adjacent to the lands" on that side of the harbour.

This old channel is likewise, in my opinion, a portion of the harbour over which the Commissioners have full right of control; therefore an equivalent may here be given of equal or greater area than the portion to be set apart and preserved for the deposition of spoil



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spoil on the north side. If protected by a proper fence, the whole of this area, which does not entirely uncover at low water, might be included. I believe that, both here and in the old channel on the north side, would require artificial preparation for the reception of the oysters.

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DATA from which the foregoing Conclusions have been drawn.

FULL power having been conferred on the Harbour Commissioners by Act of Parliament to execute whatever works might be deemed best adapted for the improvement thereof, within their means, and to occupy such portions of the ground within its proper limits as might be required, they have exercised that right, more or less, up to the present time. It is of the greatest importance to them, with the limited income of the Harbour, and small amount of funds at their disposal, to use all means of economy, and take advantage of every facility embraced by the powers conferred on them, for the accomplishment of the improvements. The portion of the old channel, cut off by the new channel at the sharp turn round by the boathouse is the place best adapted for admitting the barges, or scows, laden with the sand and mud dredged from the new channel for the greatest number of hours during one tide. The barges, when loaded, draw from four to four and a-half feet. The strand generally, along or in the neighbourhood of the navigation channel, is several feet higher than low water of spring tides, except at one point at the extremity of the south wall; therefore the barges cannot be floated over it for the purpose of being discharged, except at or near high water, unless the sand and mud should be wheeled some distance from the barges. That would materially increase the cost of discharge; for if the barges be floated over the greatest part of the strand at or near high water, a much larger number of them would be required, and a greater number of hands than could be always most advantageously employed. Moreover, an unusually large number of barges would be very liable to create confusion and delay, invariably ending in increased cost; so that, in addition to the first cost and maintenance of a greater number of barges, the working expenses of them would also be increased.

In the portion of the old channel referred to there is from 6 to 18 inches of water at low-water of spring tides, and early in flood tide, when the dredger can work most advantageously, the barges can enter and be discharged ready for a second cargo, and there is sufficient water to float them out until at least half ebb. Under these circumstances the material dredged and delivered on board the barges can be carried into the old channel and be discharged with more regularity, with a less number of men and barges, and for a longer period during the tide; and the ultimate beneficial result is that the work is done at a less cost.

There is another material advantage connected with this portion of the old channel; there are two entrances into it, one at the upper end, and the other at the lower end; so that either may be used in the varying state of the winds, tides, and land floods, thereby in a great measure avoiding the labour of working the barges against either; and, being well sheltered, they can be passed through it with much advantage on particular occasions.

It is true it may be several years before the whole area coloured purple on the plan is covered with sand and mud dredged from the navigation channel; therefore it may be considered that a portion of it at one or both ends might be sufficient at present, and that additions could from time to time be made to it, and the residue included in the new license to be given for planting oyster beds. I think such a course undesirable, principally because there would be such a conflict of interests as might lead to inconvenience. There can be little doubt that in throwing the sand and mud from the barges in not less than five feet of water, the lighter portions would be floated over the whole space by the tidal and river currents, and be very injurious to the oyster beds. Should a divisional wall or walls be made across the channel to protect the oyster beds, the free passage of the barges through this portion of the old channel would be barred.

On comparing the low-water line of spring tides as given on the Ordnance survey, and that given on the Admiralty chart, which I have shown by red dotted lines on the accompanying plan, as far as the smallness of the scales enables a comparison to be made, it becomes evident that this part of the old channel is silting up, which was, indeed, fully to be expected, from the fact of the reciprocating streams of the tides being now principally confined to the new channel; and it is also to be expected that the progress of the silting up will be much more rapid when the lower entrance is shut up by the continuation of the north wall until it joins the beach. The closing up of the lower entrance as soon as circumstances will permit is very desirable, because it is of much importance that the whole area enclosed by the north wall should be filled with tidal water by the upper entrance, thereby making the scour available for the new channel, as there is a great deficiency of back water, it being situated so near the upper end of the tideway.

In conclusion, I have to remark that, as an engineer, I am of opinion that the right to hold and use this part of the old channel being vested in the Harbour Commissioners, the right so vested is clearly comprehended in those in the 13 & 14 Vict. c. 88, s. 41: "Saving to the Queen's most excellent Majesty, and all the subjects of this realm, the free and full exercise and enjoyment of all other rights of fishery, or other rights whatsoever, in and along said shore, subject to the provisions herein contained."

In this case the Harbour Commissioners do not demand any new concessions, nor the extension

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extension of any rights which they formerly possessed. They are merely endeavouring to preserve for the public benefit those rights which, in my opinion, they are fully entitled to; and to deprive them of which, would be a public injury. At the same time I am of opinion that an equivalent for the 30 acres retained, can be given, and included in the new license, for the purpose of cultivating oyster beds in another place, so that no real injury will be inflicted on the proprietor of the lands on the north side of the harbour.

The Secretary,
Board of Public Works.

(signed) *William Forsyth*, C. E.

---

Secretary to Board of Works to *H. T. Dix*, Esq.

Office of Public Works, Dublin,
8 March 1866.

Sir,

In reply to your letter of the 5th instant, respecting Mr. Wynne's oyster license, I am directed by the Commissioners to send the accompanying copy of map, and of Mr. Forsyth's report, and to inform you that, should you wish to see the Board on the matter, they will be happy to meet you.

I am, &c.
(signed) *E. Hornsby*,
Secretary.

H. T. Dix, Esq., Solicitor,
9, Upper Gardiner-street, Dublin.

---

Mr. *Dix* to Commissioners of Public Works.

5 March 1866.

Inquires if the Board's engineer has sent in his report; should it be dissented from, asks if an opportunity of discussing the matter will be given.

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Secretary to Sligo Town and Harbour Commissioners to the Secretary to Board of Works.

Harbour Office, Sligo,
16 June 1866.

Sir,

Referring to former communications and to the interview with the Chief Secretary, at which Colonel McKerlie was present, and the arrangement then come to in reference to the oyster license granted to the late Right Honourable John Wynne, I am desired by the Town and Harbour Commissioners of Sligo to inquire whether you have received the report of your engineer who examined the proposed site, and what steps have been since taken in the matter by your Board, in pursuance of the arrangement, 2 February, already referred to.

The Commissioners perceive that pursuant to a Bill introduced by the Attorney General, and ordered to be printed June 4, by the 2nd sec. all licenses to plant oyster beds heretofore granted shall be indisputable, and therefore are anxious that the matter in dispute shall now be finally disposed of, previous to the passing of this Act.

Yours, &c.
(signed) *Moses Monds*,
Secretary.

Edward Hornsby, Esq., Secretary,
Board of Works.

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Secretary to Sligo Town and Harbour Commissioners to the Secretary to Board of Works.

Harbour Office, Sligo,
4 July 1866.

Sir,

I am directed by the Sligo Harbour Commissioners to request a reply to my letter of the 16th ult., the receipt of which has not yet been acknowledged.

I am, &c.
(signed) *Moses Monds*,
Secretary.

Ed. Hornsby, Esq.

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Secretary to Board of Works to the Secretary to Sligo Town and Harbour Commissioners.

Office of Public Works, Dublin,
12 July 1866.

Sir,

Referring to your letter of the 16th ultimo, on the subject of the oyster fishery license, granted to the late Right Hon. J. Wynne, and inquiring what steps had been taken in pursuance of the arrangement entered into in the presence of the Chief Secretary for Ireland, in February last, I am directed by the Board to send the annexed copy of the report made by their engineer after his examination of the site, and a copy of the plan which accompanied that report; I am further to inform you that Mr. Dix has already been furnished with copies of these documents, and that the Board are now prepared to give effect to the agreement of the 2nd February last, on being applied to by the parties.

I am, &c.
(signed) *E. Hornsby,*
Secretary.

Moses Monds, Esq.,
Harbour Office, Sligo.

---

Secretary to Sligo Town and Harbour Commissioners to the Secretary to Board of Works.

Sligo, 13 July 1866.

Sir,

I have to acknowledge receipt of your letter of the 12th, annexing copy of report of your engineer, on site for oyster beds at Ballincar.

You also state that you send copy of his plan; the latter did not accompany it, and I will feel obliged if you forward same without delay.

I will feel obliged if you can conveniently forward the plan on receipt of this, as there will be a meeting of the Town and Harbour Commissioners of Sligo on Monday, the 15th, and I will require to place both documents before them.

I am, &c.
(signed) *Moses Monds,*
Secretary.

Edward Hornsby, Esq.

---

Secretary to Sligo Town and Harbour Commissioners to the Secretary to the Board of Works.

Sligo Harbour Office,
23 July 1866.

Sir,

Your letter of the 12th instant, and the report of Mr. Forsyth, C. E., relative to the oyster license granted to the late Right Hon. J. Wynne, have been under the consideration of the Town and Harbour Commissioners of Sligo, at a special meeting of that body, on the 16th instant.

The Commissioners are perfectly satisfied with the report of Mr. Forsyth, the clearness and ability of which they fully acknowledge, and have no objection whatever that a new license, based on that report, should be granted to Mr. Wynne. They have instructed me to apply to your Board to give effect to the agreement come to in the Chief Secretary's office, 2nd February; namely, to have the old license now definitely cancelled, in accordance with the first paragraph of said agreement, signed by Mr. Dix and myself, and I beg to inform you that I shall wait on you at one o'clock, on the 25th instant, for this purpose.

I remain, &c.
*Moses Monds,*
Secretary.

The Secretary,
Board of Works, Dublin.

---

Secretary to Sligo Town and Harbour Commissioners to the Secretary to Board of Works.

Sligo Harbour Office,
1 August 1866.

Sir,

I beg to forward the following copy of a resolution passed by the Harbour Commissioners, at a special meeting, on the 30th ult. :—

"Resolved, that we adjourn the further consideration of our application to the Fishery Commissioners, respecting Mr. Wynne's license, until they give a definite answer to our application to cancel the first license granted to him, and that we request they will give us due notice of their meeting to consider the matter, and hold it as soon as possible."

I remain, &c.
(signed) *Moses Monds,*
Secretary.

The Secretary,
Board of Works, Dublin.

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Mr. *Dix* to Commissioners of Public Works.

17 September 1866.

REFERS to Board's letter of 7th September 1866. Inquires if Board adopt Mr. Forsyth's report as a fair and equitable adjustment of question in dispute.

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Secretary to Board of Works to *H. T. Dix*, Esq.

Office, Public Works, Dublin,
7 September 1866.

Sir,

REFERRING to the agreement between you, on the part of Mr. Wynne and the Sligo Harbour Commissioners, and the report since made by Mr. Forsyth, C. E. (a copy of which has been furnished to you) on the subject of the oyster license granted to the late Mr. Wynne, I am desired by the Board to request that you will, at your earliest convenience, arrange for the surrender of that license, as the Board propose, under the Act of last Session, to give effect to the agreement entered into, and grant a new license in lieu of the existing one, if so desired by Mr. Wynne. 29 & 30 Vict. c. 97, s. 15.

I am, &c.
(signed) *E. Hornsby*,
Secretary.

Henry T. Dix, Esq.,
9, Upper Gardiner-street.

---

Secretary to Board of Works to *H. T. Dix*, Esq.

Office of Public Works, Dublin,
3 October 1866.

Sir,

WITH reference to your letter of the 17th ultimo, respecting the license granted by the Commissioners to the late Mr. Wynne to plant oyster beds in Sligo Harbour, I am directed to state in reply, that the Board are prepared to give effect to the agreement which was entered into between you on the part of Mr. Wynne and the Sligo Harbour Commissioners, and to request you will return the license granted to the late Mr. Wynne, to enable them to do so.

If you require that the Board should give any information (beyond the engineer's report already furnished) previously to doing so, as proposed, they will be prepared to do so at a meeting, on notice to you and the Harbour Commissioners.

I am, &c.
(signed) *E. Hornsby*, Secretary.

H. T. Dix, Esq.,
9, Upper Gardiner-street, Dublin.

---

Mr. *Dix* to Commissioners of Public Works.

4 October 1866.

STATES, in reply to Board's letter of 3rd September 1866, that he can do nothing until informed whether Board will adopt their engineer's report.

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NOTHING further has been done in this matter since the receipt of Mr. Dix's letter of 4th October 1866.

By order,
(signed) E. HORNSBY,
Secretary.

Office Public Works, Department of Fisheries,
1 April 1867.

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No Proceedings were taken before the Privy Council in Ireland with reference to the application to the Board of Works in Ireland, of the late Right Honourable John Wynne to plant oyster beds in Sligo Bay.

R. N. MATHESON,
Clerk of Council.

Council Office, 2 March 1867.

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# OYSTER FISHERIES (IRELAND).

COPIES of APPLICATION to the BOARD of WORKS in *Ireland*, of the late Right Honourable *John Wynne* to plant OYSTER BEDS in *Sligo Bay*; of the PROCEEDINGS taken thereon by the Board, and REPORT made to them thereon; of the LICENSE granted; of CORRESPONDENCE with the Harbour Authorities, or other Persons complaining of the License granted; of REPORT made to the Board thereon, &c.

*v. Blake.*)

*Ordered, by* The House of Commons, *to be Printed,*
8 *April* 1867.

[*Price* 2 *s.*]

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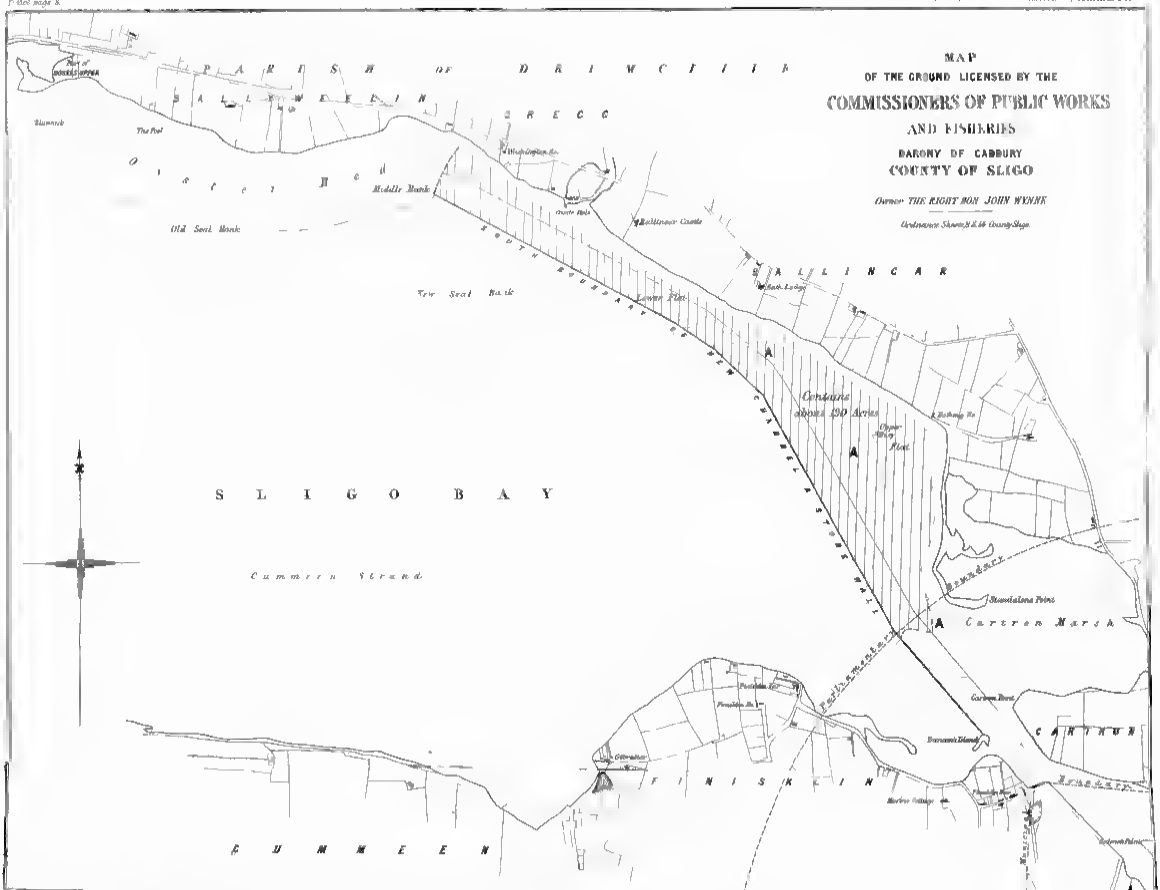


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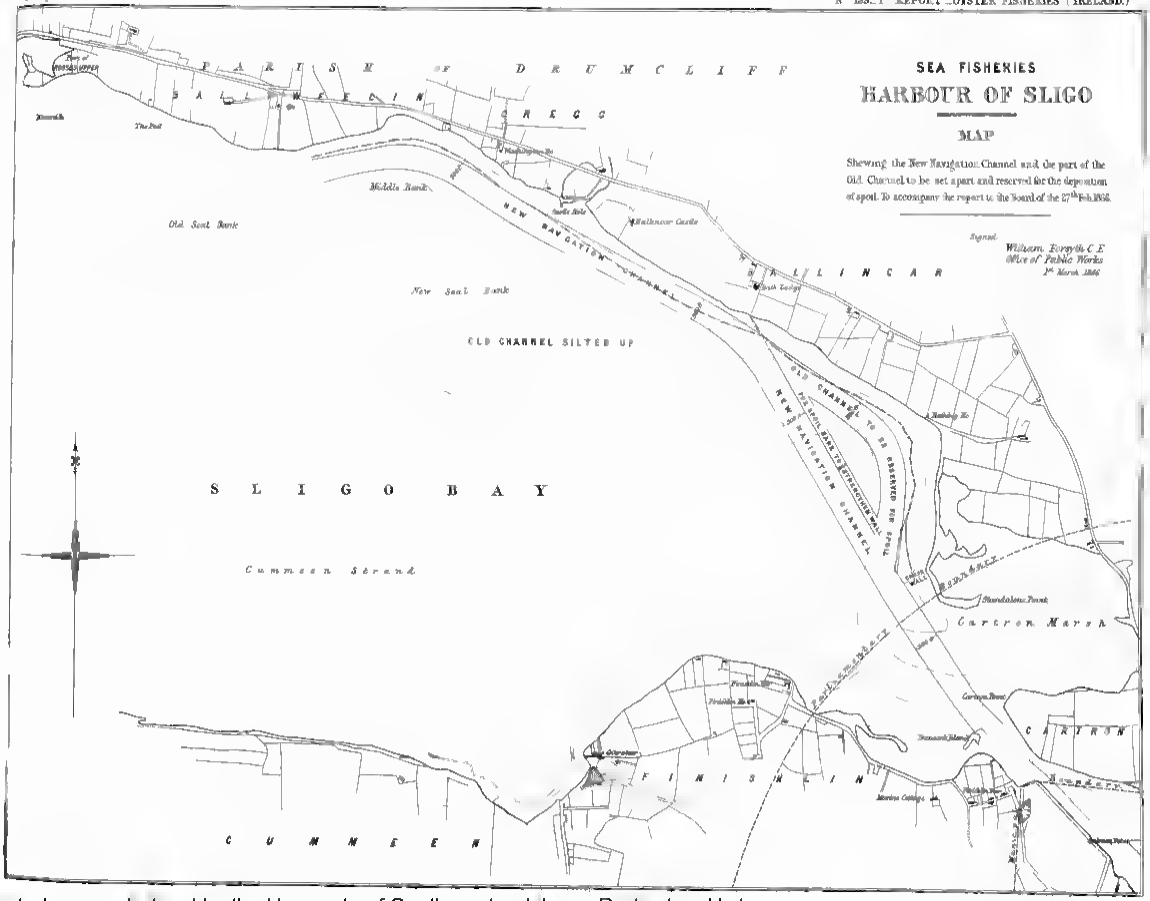


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